

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mary Irene Bell,

Plaintiff,

v.

Geonise E. Harris,

Defendant.

C/A No.: 3:12-3534-JFA

ORDER

Plaintiff Mary Irene Bell (Bell) brings the above-captioned case against Geonisa Harris¹ (“Harris”). In her complaint, Bell asserts employment discrimination claims pursuant to the Age Discrimination in Employment Act, 29 U.S.C. § 621, *et seq.* (“ADEA”), and the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101, *et seq.* (“ADA”). This matter is before the court on Harris’ motion to dismiss under FED. R. CIV. P. 12(b)(6) and on Bell’s two motions to amend her complaint. *See* ECF Nos. 15 and 24.

The Magistrate Judge assigned to this action² has prepared a Report and Recommendation wherein she recommends that the court grant Harris’ motion to dismiss, deny Bell’s first motion to amend her complaint, and grant her second motion to amend. The Report and Recommendation sets forth the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

¹ According to the Report and Recommendation, Ms. Harris’ first name is misspelled in the complaint and caption.

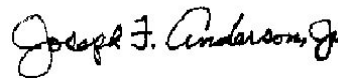
² The Magistrate Judge’s review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Bell was advised of her right to file objections to the Report and Recommendation, which was entered on the docket on June 3, 2013. However, Bell did not file any objections. In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference in its entirety.

Accordingly, the court grants Harris' motion to dismiss and hereby dismisses Bell's claims against Harris with prejudice. Bell's first motion to amend is denied, and her second motion to amend is granted.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

July 26, 2013
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge